

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

v.

SHAWN WILLIAM SONGAO SANTOS (7)

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1:21-cr-00068-LY-7

Order on Petition for Action on Conditions of Pretrial Release

In accordance with the Federal Rules of Criminal Procedure and 18 U.S.C. § 3148, on August 9, 2021, a hearing was held before the undersigned Magistrate Judge on the U.S. Pretrial Services' Petition for Action on Conditions of Pretrial Release (Dkt. 152). In the Petition, Pretrial Services alleged that Defendant violated the following conditions of his release:

(7)(m) The defendant must not use or unlawfully possess a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(7)(o) The defendant must participate in a program of inpatient or outpatient substance abuse therapy and counseling as directed by the pretrial services office or supervising officer.

Specifically, the Petition alleges that, on June 24 and July 1, 2021, Defendant submitted urine specimens which subsequently were confirmed positive for methamphetamine and amphetamine, respectively. In addition, the Petition alleges that Defendant missed aftercare counseling sessions on June 22 and July 7, 2021. At the hearing, Defendant did not contest the allegations, but argued that he has done well in his employment, has been attending group meetings to address substance abuse regularly, and is able to comply with more frequent, weekly urinalysis collection and aftercare counseling sessions.

The Court has carefully considered the Pretrial Services Report, the Petition, and the arguments of counsel for the Government and Defendant. Pursuant to § 3148(b)(1)(B), the Court finds by clear and convincing evidence that Defendant violated conditions (7)(m) and (7)(o) of his release by using illegal drugs and missing aftercare counseling sessions, as alleged in the Petition. Nonetheless, because Defendant is willing to comply with more frequent urinalyses and counseling sessions, the Court finds that, based on the factors set forth in 18 U.S.C. § 3142(g), there are conditions of release that will assure that Defendant is not likely to flee or pose a danger to the safety of any other person or the community if he remains on release, and that he is likely to abide by such conditions. *See* 18 U.S.C. §§ 3142, 3143(a)(1), 3148(b)(2)(B).

Therefore, the Petition for Action on Conditions of Pretrial Release (Dkt. 152) is **DENIED** and Defendant is **ORDERED** released. Defendant remains on pretrial release subject to all conditions in the Court's Order Setting Conditions of Release (Dkt. 89).

SIGNED on August 9, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE